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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/516,568

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Mark Arnoldovich Kaufman

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EXAMINER

NEWAY, BLAINE GIRMA

ART UNIT

PAPER NUMBER

4133

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/516,568	Applicant(s) KAUFMAN, MARK ARNOLDOVICH	
	Examiner BLAINE G. NEWAY	Art Unit 4133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/14/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to application filed on August 18, 2005, in which claims 1-8 are presented for examination.

Information Disclosure Statement

1. The information disclosure statement filed (1481090) fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

2. The information disclosure statement filed (CH595078) fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Status of claims

Claims 1-8 are pending of which claim 1 is in independent form.

Claim Objections

3. Claim 2 is objected to because of the following informalities: The term "each pivot" is written twice. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The term "possibility" in claim 1 is a relative term which renders the claim indefinite. The term "possibility" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 2, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ngan (US 6,499,589) in view of L'Enfant (US 1,735,324).

5. Claim 1: Ngan discloses a display stand **100** comprising a body formed by two shells **120** and a platform plate **130**. Ngan also states that the shells **120** are pivot ably connected to the plate **130** (see Abstract, line 1-4). The location for the pivot points could be anywhere on the plate (see Figures 1-4). Ngan does not appear to explicitly disclose a limiter of the opening angle of the shells. However, L'Enfant discloses a flexible strap extending to determine the permissible extent of relative opening movement (Page 1, line 95-100). Ngan and L' Enfant are analogous art because they are from the same field of endeavor. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Ngan and L'Enfant, to modify the display stand of Ngan to include the flexible strap of L'Enfant. The motivation for doing so would have been to prevent the shells from opening all the way and to preset the permissible extent of opening movement. Therefore, it would have been obvious to combine Ngan with L' Enfant to obtain the invention as specified in the instant claim.

6. Claim 2: Most of the limitations of claim 2 have been noted in the rejection of claim 1 above. In addition, looking at figure 2 (sheet 1 of 3, Ngan), it is apparent that each pivot is located away from the external border of the plate at the same distance.

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7. Claim 3: Most of the limitations of claim 3 have been noted in the rejection of claim 1 above. In addition, L'Enfant clearly discloses (page 1 line 97) a flexible strap.

8. Claim 5: Most of the limitations of claim 5 have been noted in the rejection of claim 2 above. In addition, L'Enfant clearly discloses (page 1 line 97) a flexible strap.

Claims 4, 6, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ngan (US 6,499,589) in view of L'Enfant (US 1,735,324) as applied to claim 1, 2, 3 and 5 above, and further in view of Kleinberg (US 2,39,945).

9. Claim 4: Most of the limitations of claim 4 have been noted in the rejection of claim 1 above. Ngan and L'Enfant do not appear to explicitly disclose an additional container on the shells (Body). However, Kleinberg discloses a container (see figure 1) with both parts of the Shells (body) provided with a means for arranging items. Ngan, L'Enfant and Kleinberg are analogous art because they are from the same field of endeavor. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Ngan, L'Enfant and Kleinberg, to modify the display stand of Ngan to include the flexible strap of L'Enfant and the item container on the shells (Body) of

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Kleinberg. The motivation for doing so would have been to provide additional storage. Therefore, it would have been obvious to combine Ngan with L'Enfant and Kleinberg to obtain the invention as specified in the instant claim.

10. Claim 6: Most of the limitations of claim 6 have been noted in the rejection of claim 5 above. Ngan and L'Enfant do not appear to explicitly disclose an additional container on the shells (Body). However, Kleinberg discloses a container (see figure 1) with both parts of the Shells (body) provided with a means for arranging items. Ngan, L'Enfant and Kleinberg are analogous art because they are from the same field of endeavor. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Ngan, L'Enfant and Kleinberg, to modify the display stand of Ngan to include the flexible strap of L'Enfant and the item container on the shells (Body) of Kleinberg. The motivation for doing so would have been to provide additional storage. Therefore, it would have been obvious to combine Ngan with L'Enfant and Kleinberg to obtain the invention as specified in the instant claim.

11. Claim 7: Most of the limitations of claim 7 have been noted in the rejection of claim 2 above. Ngan and L'Enfant do not appear to explicitly disclose an additional container on the shells (Body). However, Kleinberg discloses a container (see figure 1) with both parts of the Shells (body) provided with a means for arranging items. Ngan, L'Enfant and Kleinberg are analogous art because they are from the same field of endeavor. At the time of the invention, it

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would have been obvious to one of ordinary skill in the art, having the teachings of Ngan, L'Enfant and Kleinberg, to modify the display stand of Ngan to include the flexible strap of L'Enfant and the item container on the shells (Body) of Kleinberg. The motivation for doing so would have been to provide additional storage. Therefore, it would have been obvious to combine Ngan with L' Enfant and Kleinberg to obtain the invention as specified in the instant claim.

12. Claim 8: Most of the limitations of claim 8 have been noted in the rejection of claim 3 above. Ngan and L'Enfant do not appear to explicitly disclose an additional container on the shells (Body). However, Kleinberg discloses a container (see figure 1) with both parts of the Shells (body) provided with a means for arranging items. Ngan, L' Enfant and Kleinberg are analogous art because they are from the same field of endeavor. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Ngan, L'Enfant and Kleinberg, to modify the display stand of Ngan to include the flexible strap of L'Enfant and the item container on the shells (Body) of Kleinberg. The motivation for doing so would have been to provide additional storage. Therefore, it would have been obvious to combine Ngan with L' Enfant and Kleinberg to obtain the invention as specified in the instant claim.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Name not available (US 1,101,313)

Simkins, Philip P. (US 4,681,216)

Courtin, Gerard C.L. (US 4,323,153)

Lewis et al. (US 4,641,748)

Ralph Davidson Julius (US 2,082,442) Relate to containers with pivot.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLAINE G. NEWAY whose telephone number is (571)270-5275. The examiner can normally be reached on M-F 7:30 AM- 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby can be reached on 571 272 4017. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blaine G Neway/
Examiner, Art Unit 4133

1/16/2008
/Frantz Coby/
Supervisory Patent Examiner, Art
Unit 4133